

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL MOI,

Plaintiff,

v.

CHIHULY STUDIO, INC., *et al.*,

Defendants.

Case No. C17-853-RSL

ORDER RE: *IN CAMERA* REVIEW OF
CASE FILE AND RELATED
PRIVILEGE ISSUES

This matter comes before the Court on referral from the Honorable Robert S. Lasnik. Dkt. 65. Specifically, Judge Lasnik found that “a review of counsel’s litigation files is necessary to identify and remove any privileged material before the files are turned over to plaintiff’s new counsel,” and authorized the undersigned “to finally resolve the privilege issues.” *Id.*

On February 27, 2018, the Court found that further information from former counsel Ms. Bremner and new counsel Mr. Beauregard was needed to determine whether Judge Lasnik’s October 25, 2017 Order Disqualifying Counsel fully resolved the privilege concerns expressed therein. The Court directed questions to Ms. Bremner and Mr. Beauregard by separate Sealed Ex Parte Order, Dkt. 69, and Ms. Bremner and Mr. Beauregard have both timely responded to the Court’s questions. Dkts. 70-72.

1 The Court, having carefully reviewed the entire case file *in camera*, as well as the
2 parties' numerous submissions in this matter, is satisfied that Ms. Bremner has adequately
3 redacted the case file to remove any potentially privileged or confidential information related
4 to her prior representations. She has not provided Mr. Beauregard with any confidential
5 information related to those prior representations, or information about the parts of the case file
6 that have been redacted. Although Ms. Bremner provided the redacted case file to Mr.
7 Beauregard on January 8, 2018, a few days before Judge Lasnik ordered the *in camera* review,
8 Mr. Beauregard was not exposed to any privileged or confidential information that presents a
9 concern.
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11 Accordingly, the Court ORDERS as follows:

12 1. No further redaction of Ms. Bremner's case file (Bates Nos. MOI_000001-
13 MOI_001233) is necessary. Ms. Bremner has complied with Judge Lasnik's direction that she
14 "return any and all copies of privileged documents to defendants and shall refrain from sharing
15 defendants' privileged or confidential information any further." Dkt. 58 at 4. As Ms.
16 Bremner's redactions to the file have sufficiently resolved the concerns expressed by Judge
17 Lasnik, Mr. Beauregard may review the complete redacted case file that was provided to him
18 by Ms. Bremner on January 8, 2018. Ms. Bremner is also prohibited from having any further
19 contact with Mr. Beauregard regarding this matter.
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21 2. Ms. Bremner advised the Court that to her knowledge, the involvement of her
22 former IP co-counsel Scott Wilsdon of Yarmuth Wilsdon PLLC (who did not file a Notice of
23 Appearance in this matter) ceased with the entry of Judge Lasnik's Disqualification Order.
24 Indeed, the Court agrees that his involvement should have stopped immediately, as Judge
25 Lasnik expressly disqualified not only Anne Bremner and her law firm, Frey Buck, P.S., but
26

1 also precluded the involvement of “any co-counsel with whom the privileged or confidential
2 information was shared.” Dkt. 58 at 4. Mr. Wilsdon assisted Ms. Bremner in her prior
3 representation of another client that was the reason for her disqualification in this matter.
4 Thus, Judge Lasnik’s Disqualification Order equally applies to Mr. Wilsdon. Nevertheless,
5 Mr. Beauregard advised the Court that Mr. Wilsdon has sent several emails attempting to set
6 up a time to speak with him, because Mr. Moi has asked Mr. Wilsdon to continue to represent
7 him. Mr. Beauregard, however, has never communicated with Mr. Wilsdon by phone or
8 substantively about the case.
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10 For the same reasons set forth in Judge Lasnik’s October 25, 2017 Disqualification
11 Order, Mr. Wilsdon is disqualified from representing Mr. Moi. He is also prohibited from
12 having any further contact with Mr. Beauregard regarding this matter.

13 3. The Clerk is directed to send a copy of this Order to all current counsel of
14 record, Anne Bremner at Frey Buck, P.S., Scott Wilsdon at Yarmuth Wilsdon PLLC, and
15 Judge Lasnik.
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17 DATED this 15th day of March, 2018.

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20 JAMES P. DONOHUE
21 United States Magistrate Judge
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